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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,758

09/01/2006

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08/20/2008

EXAMINER

ORR, HENRY W

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,758	Applicant(s) SIMILA ET AL.	
	Examiner Henry Orr	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/23/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application communication filed on 9/1/2006.
2. Claims 1-16 are pending in the case.
3. Claims 1, 8, 15 and 16 are independent claims.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to abstract ideas that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. See MPEP § 2106

Claim 15:

Claim 15 recites a **“computer program product”** comprising a **“computer process”**. The recited **“computer program product”** is merely computer software that performs various functions. Thus, the recited **“computer program product”** is comprised merely of computer software and is not a process, a machine, a manufacture or a composition of matter.

Accordingly, the claim fails to recite statutory subject matter as defined in 35 U.S.C. § 101.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-16 are rejected under 35 U.S.C. 102(b) as being DeStefano by U.S. Patent No. 6,075,531 of record.**

Claim 1:

DeStefano teaches **a method of managing application windows in an electronic device, the method comprising: opening the application windows of at least two different application programs onto a display;** (seecol. 1 lines 58-65, col. 2 lines 43-49, Figure 11)

detecting activation of a grip area for managing application windows on the display; (see col. 6 line 65 - col. 7 line 21 – Examiner interprets the pointer to be equivalent to the recited "grip area")

detecting a change in the location of the activated grip area on the display, indicated by an input device; (see abstract, col. 7 lines 38-45, Figure 3)

and changing the size of at least two application windows on the basis of the change in the location of the grip area (see abstract, col. 12 lines 30-46).

Claim 2:

DeStefano's Figure 11 illustrates **showing the grip area for managing application windows on the display.**

Claim 3:

DeStefano teaches **changing the sizes of the application windows during the change in the location of the activated grip area** (see abstract, col. 14 lines 35-60, Figure 15).

Claim 4:

DeStefano teaches **changing the sizes of the application windows such that the changed application windows cover as large a portion of the display as possible** (see abstract, col. 4 lines 8-18).

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Claim 5:

DeStefano teaches **detecting selection of the application windows to be changed from among the opened application windows; and changing the size of the application windows to be changed only** (see col. 8 lines 15-41, col. 9 lines 14-30, col. 9 lines 55-65, col. 14 lines 16-19 - grip span selection changes the size of the "affected" windows).

Claim 6:

DeStefano anticipates **scaling the contents of the application windows in proportions to the changes in the sizes of the application windows** (see col. 4 lines 24-43, col. 7 lines 6-10 – application window is defined to include content, therefore when the window size changes, the content within the corresponding window changes).

Claim 7:

DeStefano teaches **wherein detecting a change in the location of the grip area comprises: detecting a direction of motion of the grip area from a first location of the grip area to a second location of the grip area as well as the distance between the first location and the second location, and changing the sizes of the application windows on the basis of the detected direction of motion and distance** (see abstract, col. 2 lines 43-55, col. 12 lines 30-46, Figure 15).

Claims 8-14:

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Claims 8-14 are apparatus claims and are substantially encompassed in method claims 1-7 respectively; therefore the apparatus claims are rejected under the same rationale as method claims 1-7 above.

Claim 15:

Claim 15 includes a computer program product to implement the steps that are substantially encompassed in method claim 1; therefore the claim is rejected under the same rationale as method claim 1 above.

Claim 16:

Claim 16 is an apparatus claim and is substantially encompassed in method claim 1; therefore the apparatus claim is rejected under the same rationale as method claim 1 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308.

The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8/15/2008

HO

/Rachna S Desai/
Primary Examiner, Art Unit 2176